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**TO: Economic Support Supervisors
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Child Care Coordinators
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers**

**FROM: Amy Mendel-Clemens
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BHCE/BWP OPERATIONS MEMO

No: 04-48

DATE: 10/04/2004

FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	SC	<input type="checkbox"/>
CTS	<input type="checkbox"/>	CC	<input type="checkbox"/>	W-2	<input checked="" type="checkbox"/>
FSET	<input checked="" type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>
JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>	RAP	<input type="checkbox"/>
WIA	<input type="checkbox"/>	WtW	<input type="checkbox"/>		
Other	EP	<input type="checkbox"/>			

PRIORITY: HIGH

SUBJECT: W-2 Performance Standards Adjustment Process

CROSS REFERENCE: NONE

EFFECTIVE DATE: Immediately

PURPOSE

This Operations Memo updates and clarifies Division of Workforce Solutions (DWS) policy with respect to the Wisconsin Works (W-2) agency performance standards adjustment process.

BACKGROUND

Policies and procedures related to the W-2 performance standards adjustment requests were first outlined in Operations Memo 00-72. Because most of Operations Memo 00-72 addressed issues specific to the 2000-2001 W-2 agency contracts, that Memo has been obsoleted. In its place, this new Operations Memo updates those portions of Operations Memo 00-72 related to performance standard adjustment policies that remain in effect.

As Operations Memo 00-72 noted, W-2 agencies may request adjustments for "unusual or non-recurring events" that adversely affect measurement of agency performance. However,

Operations Memo 00-72 did not make sufficiently clear that “unusual or non-recurring events” may include the transition-related circumstances that may arise when a W-2 agency is a new agency, when an existing W-2 agency begins to administer W-2 in a geographic area for which it had not previously been responsible, or when a new W-2 consortium is formed. In addition to other updates and clarifications to language formerly part of Operations Memo 00-72, this Operations Memo refers more directly to these types of transition-related circumstances as possible bases for performance standard adjustment requests.

PERFORMANCE STANDARDS ADJUSTMENTS

GENERAL POLICY

- Performance standards adjustment requests should be concerned only with unusual or non-recurring events, as determined by DWS. Depending upon the circumstances, and provided they meet the other terms of the adjustment policy outlined here, “unusual or non-recurring events” may include, but are not limited to, temporary problems related to an administrative transition, such as initial startup as a new W-2 agency, extension of an existing agency’s responsibility to a geographic area that agency has not previously served, or the formation of a new consortium.

Example: The failure of a worker to log an Entered Employment appropriately is not a basis for adjustment consideration unless the agency can show that an unusual circumstance, such as a temporary lack of CARES access or an inadvertent (and since corrected) lapse in training prevented the worker from performing the proper data entry.

Example: A worker’s failure to document an assessment in a timely manner may be a basis for adjustment consideration if the agency can demonstrate that this occurred because problems related to startup as a W-2 agency or extension of agency services to a geographic area it had not previously served (such as lack of computer access, incomplete training of needed additional staff) prevented the worker from performing the documentation correctly within the required time.

- Adjustment requests must be accompanied by evidence that the problem that led to the request has been or is being corrected. The DWS reserves the right to deny an adjustment request, or to rescind a granted adjustment, if the problem proves to be a recurrent event or continuing circumstance.
- Requests must be case-specific and cannot undermine the intent of the performance standard for which the adjustment is being requested.
- Adjustments will be considered on a contract agency basis, only at the request of the contract agency. Adjustments will not be made on a statewide basis as a result of a contract agency request.
- Although agencies will be informed of adjustments, these adjustments will not be reflected in the standardized reports (Data Warehouse/WebIntelligence). Adjustments will, however, be reflected in the final performance standards reports for Right of First Selection and at contract closeout.
- Adjustments will not be made to performance standards designated “for Information Only.”

ADJUSTMENT REQUEST PROCESS

Upon release of the performance standards report, a W-2 agency may determine that an unusual or non-recurrent event or set of circumstances adversely affected the agency performance measure for a particular standard. That agency must take the following steps to request a performance standard adjustment:

1. A W-2 agency must submit a formal request to the Regional Office Contract Manager for an adjustment to the performance measurement in question. The request must be submitted within 30 calendar days of the publication date of the monthly WebIntelligence report indicating that a particular case did not meet the performance standard.

Agencies must use form DWSW-14368-E, the Performance Standards Adjustment Request form, available on the DWD web site at:

http://www.dwd.state.wi.us/dwd/forms/dws/doc/DWSW_14368_E.doc, to request performance standards adjustments.

2. The adjustment request must include a detailed explanation of (1) the problem the agency believes adversely affected the performance measurement, and (2) why that problem represents an “unusual or non-recurrent event.” This detailed explanation must include the following information:
 - The performance measure for which the adjustment is being requested.
 - The case number(s) and PIN(s) of the case(s) that adversely affected the agency’s performance.
 - Detailed documentation of the problem that adversely affected the measurement of agency performance with respect to the case(s) specified (CARES documentation, Data Warehouse/WebIntelligence reports, etc.).
 - Documentation that the relevant aspects of the management of the case(s) would have counted toward meeting the performance standard had the error or other unusual and non-recurrent problem not occurred.
 - Documentation of steps the agency has taken to correct the problem and prevent a recurrence of the circumstance that resulted in the adjustment request.
3. The Regional Office will acknowledge receipt of the adjustment request and initiate a review of the request within 10 business days of receiving it. The Regional Office may review and act on the request itself, or forward the request to the DWS Central Office in Madison.
4. Regional Office (and if necessary, Central Office) staff will review the case to determine if an adjustment is appropriate. The review may include:
 - Analysis of the type of error made or other unusual or non-recurring event that resulted in the case not meeting the standard.
 - Examination of the case/PIN comments and other documentation that the problem has been identified and that corrective action has been taken to prevent the error/event from recurring.
 - Review of case information to determine that appropriate activity has been assigned to the participant before and after the error or event occurred, and that the participant has been actively engaged in activities in accordance with an appropriate Employability Plan.
 - Review of other CARES data and case information, as appropriate.

5. Once Regional Office (and, if necessary, Central Office) staff have reviewed the adjustment request, DWS staff will summarize the results of the review and either approve or deny the request. DWS staff will complete their review as quickly as possible and in advance of any calculation for Right of First Selection or the Final Contract Report.
6. The Regional Office will notify the agency in writing of DWS's decision on the adjustment request and provide the DWS Central Office with a copy of that written notification.
7. If the Adjustment to Performance Standards Request is approved, Central Office staff will make the necessary adjustment to the performance standards information maintained by the DWS Bureau of Workforce Information (BWI). (Note: The standard Data Warehouse/WebIntelligence report will not be changed.) If the request is denied, the agency may appeal through the dispute resolution process provided for in section 54 of the 2004-2005 W-2 and Related Programs Contract.

An adjustment may result either in an addition to the numerator or a subtraction from the denominator for the relevant standard, depending upon the reason for the adjustment.

The most recent version of the 2004-2005 W-2 Agency Contract Performance Standards Information Map is currently available on the 2004-2005 Performance Standards web site:
http://www.dwd.state.wi.us/dws/w2/performance_standards/default.htm

Please continue to direct your performance standard questions to the Regional Office or the email address for performance standards found on the 2004-2005 Performance Standards web site.

CONTACTS

DWS Regional Office

★Program Categories – FS – Food Stamps, MA – Medicaid, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WtW – Welfare to Work, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DWD/DWS/BW-2/FB